



House of Representatives *State of Utah*

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February 21, 2007

Mr. Speaker:

The Health and Human Services Committee reports a favorable recommendation on **S.B. 160**, PHARMACY PRACTICE ACT AMENDMENTS, by Senator P. Knudson, with the following amendments:

1. Page 4, Line 113 through Page 5, Line 124b:

- 113 "Unprofessional conduct" includes:
- 114 (1) willfully deceiving or attempting to deceive the division, the board, or their
agents
- 115 as to any relevant matter regarding compliance under this chapter;
- 116 (2) (a) {~~except for price discounts [conditional] based upon [volume~~
~~purchases: (a)]~~
- 117 ~~purchase volumes paying rebates to practitioners or any other health care providers;~~
~~and }~~ =
- except as provided in Subsection (2)(b):
- (i) paying or offering rebates to practitioners or receiving rebates from
practitioners or any other health care provider; or
- (ii) paying, offering, or receiving compensation in the form of a commission,
bonus, rebate, kickback, or split fee arrangement with practitioners or any other
health care provider, for the purpose of obtaining referrals.
- (b) Subsection (2)(a) does not apply to:
- (i) giving or receiving price discounts based on purchase volume;
- (ii) passing along pharmaceutical manufacturer's rebates; or
- (iii) being compensated for providing dispensing, billing and related services to a
veterinarian.
- 118 [~~(b) entering into any agreement with a medical practitioner or any other person for~~
the
- 119 payment or acceptance of compensation or its economic equivalent for recommending the
- 120 professional services of either party;]
- 121 {~~(b)~~} \hat{S} → [providing to or receiving from a physician, surgeon, organization,
agency, or other

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- 122 ~~person, either directly or indirectly, any form of compensation for the referral of a patient~~
~~to a~~
- 123 ~~pharmacy licensed under this chapter, including compensation in the form of a~~
~~commission,~~
- 124 ~~bonus, rebate, kickback, or split-fee arrangement;]~~ { [for pharmacies and pharmacists](#)
[not](#)
- 124a [participating in Medicare or Medicaid, an act that would violate the Federal](#)
[Anti-kickback](#)
- 124b [Statute, 42 U.S.C. sec. 1320a-7b\(b\).](#) ~~←§~~ }

Respectfully,

Paul Ray
Committee Chair

Voting: 6-0-2

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